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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,854	09/28/2001	Joel Andre	025219-350	7039

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Burns Doane Swecker & Mathis
George Mason Building
Washington and Prince Street
PO Box 1404
Alexandria, VA 22313-1404

EXAMINER

DEL SOLE, JOSEPH S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 05/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,854

Applicant(s)

ANDRE, JOEL

Examiner

Joseph S. Del Sole

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,10,11,15 and 16 is/are rejected.
- 7) ☒ Claim(s) 4,5,7-9,12-14 and 17-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 11/26/01 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP 609. It has been placed in the application file and the information referred to therein has been considered as to its merits.

Specification

2. The abstract of the disclosure is objected to because **a)** the paragraph "FIGURE 2." must be deleted from the abstract because the abstract may only be 1 paragraph in length. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 8 and 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 8 and 16, which each recite the same limitation, fail to further the parent claims because they do not structurally limit the apparatus. They merely recite an intended use of the apparatus, namely applying external pressure. This process limitation does not further limit the structure of the apparatus.

4. Claims 3, 5 and 13 are objected to because of the following informalities: **a)** "inside face (16b)" at line 3 of claim 3 must be changed to --inside face (16a)--; **b)** "leak tight bladder (16')" at line 3 of both claim 5 and claim 13 must be changed to --leak tight bladder (36')--; . Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6, 10, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer et al (5,281,388).

Palmer et al teach a shaping tool comprising a rigid mold (Fig 1), and shaping means (Fig 1, #28) suitable for pushing a part blank into contact with the rigid mold; the tooling being characterized in that the rigid mold is formed of several elements (Fig 1, #24 and #10) without any connection between them, holding means (Fig 1, the combination of #28 and #30) being provided to keep the elements normally in contact with each other so as to define a cavity inside; the holding means has means of applying a pressure on an outside face of at least one of the elements (Fig 1, #24); the outside face is approximately parallel to an inside face delimiting the cavity from the element on which it is formed; the rigid mold forms a cavity with a U-section (Fig 1) and has a central element (Fig 1, #10) materializing the bottom of the cavity and two end elements (Fig 1, #24) materializing the sides of the cavity, the holding means normally keeping the end elements in contact with the side edges of the central element (Fig 1); the cross-section of the cavity is uniform along its entire length (Fig 1); and the means of applying pressure comprise two flexible walls (Fig 1, #28, the portion at the sides of #24) that can be forced into contact with the external faces of each of the end elements.

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Regarding the limitation of claim 1: "while enabling the said elements... to separate during a cooling phase following polymerization of the blank", this limitation fails to further limit the claim because it does not further define the claim structurally.

7. Claims 1-3, 6, 10, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickerson (4,065,340).

Dickerson teaches a shaping tool comprising a rigid mold (Fig 2), and shaping means (Fig 2, #21) suitable for pushing a part blank into contact with the rigid mold; the tooling being characterized in that the rigid mold is formed of several elements (Fig 2, #12 and #19) without any connection between them, holding means (Fig 2, the combination of #21 and #23) being provided to keep the elements normally in contact with each other so as to define a cavity inside; the holding means has means of applying a pressure on an outside face of at least one of the elements (Fig 2, #19); the outside face is approximately parallel to an inside face delimiting the cavity from the element on which it is formed; the rigid mold forms a cavity with a U-section (Fig 2) and has a central element (Fig 2, #12) materializing the bottom of the cavity and two end elements (Fig 2, #19) materializing the sides of the cavity, the holding means normally keeping the end elements in contact with the side edges of the central element (Fig 1); the cross-section of the cavity is uniform along its entire length (Fig 2); and the means of applying pressure comprise two flexible walls (Fig 1, #21, the portion at the sides of #19) that can be forced into contact with the external faces of each of the end elements.

Regarding the limitation of claim 1: "while enabling the said elements... to separate during a cooling phase following polymerization of the blank", this limitation fails to further limit the claim because it does not further define the claim structurally.

8. Claims 1-2, 6, 11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by McCarville et al (5,709,893).

McCarville et al teach a shaping tool comprising a rigid mold (Fig 12), and shaping means (Fig 12, #72 and #74) suitable for pushing a part blank into contact with the rigid mold; the tooling being characterized in that the rigid mold is formed of several elements (Fig 12, #160, #162, #130 and #50) without any connection between them, holding means (Fig 12, #72/74) being provided to keep the elements normally in contact with each other so as to define a cavity inside; the holding means has means of applying a pressure on an outside face of at least one of the elements (Fig 12, #160 and #162); the rigid mold forms a cavity with a U-section (Fig 1) and has a central element (Fig 12, #50 and #130) materializing the bottom of the cavity and two end elements (Fig 12, #160 and #162) materializing the sides of the cavity, the holding means normally keeping the end elements in contact with the side edges of the central element (Fig 12); the cross-section of the cavity is variable from one end to the other (Fig 2); and the means of applying pressure comprise two flexible walls (Fig 12, #72/74, the portion at the sides of #160 and #162) that can be forced into contact with the external faces of each of the end elements.

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Regarding the limitation of claim 1: "while enabling the said elements... to separate during a cooling phase following polymerization of the blank", this limitation fails to further limit the claim because it does not further define the claim structurally.

References of Interest

9. Han et al (5,939,013) and Kreutzer (5,820,894) are cited of interest to show the state of the art.

Allowable Subject Matter

10. Claims 4-5, 7-9, 12-14 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach or suggest the elements of the mold placed in a rigid envelope; or the means of applying pressure being two leak tight bladders that can be applied in contact with the outside faces of each of the elements.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 for non-after finals and (703) 872-9311 for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Joseph S Del Sole
J.S.D.
May 29, 2003

Robert Davis
ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300, 1722

5/29/03